

State of Colorado

John W. Hickenlooper
Governor

Neil Peck
Board Chair

Dana Shea-Reid
Board Director



State Personnel Board
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Meeting Minutes August 16, 2016

The State Personnel Board met in public session on Tuesday, August 16, 2016, at the Colorado State Personnel Board, 1525 Sherman Street, First Floor Conference Room 103, Denver, Colorado 80203.

The meeting was called to order at 9:00 a.m. Board Members Nora Kelly, Michelle Palmquist, Neil Peck and Teresa Salerno were present in person. Vonda Hall, participated via teleconference.

Dana Shea-Reid, Board Director and Leanne De Vos, Board Counsel, were present in person.

I. REPORT OF DEPARTMENT OF PERSONNEL AND ADMINISTRATION [DPA]) AND REPORT OF THE DIVISION OF HUMAN RESOURCES [DHR], DPA

Kim Burgess the State CHRO reported that the technical guides are being revised based on changes in state or federal laws. Those areas included pregnancy discrimination, I-9 affirmations and changes in FLSA overtime law.

Ms. Burgess reported that the total compensation report was issued August 1 and the State is 5.7% below prevailing market with the exception of retirement, which is 7% above market.

Ms. Palmquist and Ms. Salerno each inquired about how agencies are trained in specific areas of management. Ms. Burgess replied that HR is decentralized in the state and DHR works as a model to share with agencies. Each agency is a different business, and training in leadership is tailored accordingly.

II. PENDING MATTERS AT THE COURT OF APPEALS

III. REVIEW OF INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES ON APPEAL TO THE STATE PERSONNEL BOARD

IV. REVIEW OF PRELIMINARY RECOMMENDATIONS OF THE ADMINISTRATIVE LAW JUDGES TO GRANT OR DENY PETITIONS FOR HEARING

- A. Thomas Reyes v. Department of Corrections, Arkansas Valley Correctional Facility, State Personnel Board case number 2016S021.

Ms. Hall moved to adopt the Preliminary Recommendation of the Administrative Law Judge and grant the petition for hearing. Ms. Kelly seconded the motion. The motion passed on the affirmative vote of the following Board members: Ms. Hall, Ms. Kelly, Ms. Palmquist, Mr. Peck and Ms. Salerno.

- B. Mark Jones v. Board of Directors for Auraria Higher Education Center, Auraria Police Department, State Personnel Board case number 2015S013(c).

Mr. Peck moved to adopt the Preliminary Recommendation of the Administrative Law Judge and grant the petition for hearing. Ms. Palmquist seconded the motion. The motion passed on the affirmative vote of the following Board members: Ms. Hall, Ms. Kelly, Ms. Palmquist, Mr. Peck and Ms. Salerno.

- C. Machhendra Thapa v. Department of Military and Veterans Affairs, State Personnel Board case number 2016G077.

Ms. Salerno moved to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing. Mr. Peck seconded the motion. The motion passed on the affirmative vote of the following Board members: Ms. Hall, Ms. Kelly, Ms. Palmquist, Mr. Peck and Ms. Salerno.

V. INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES

VI. REVIEW OF THE MINUTES FROM THE AUGUST 16, 2016 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

Ms. Palmquist moved to approve the minutes as submitted. Ms. Kelly seconded the motion. The motion passed on the affirmative vote of the following Board members: Ms. Hall, Ms. Kelly, Ms. Palmquist, Mr. Peck and Ms. Salerno.

VII. ACKNOWLEDGMENTS

DECISIONS OF THE STATE PERSONNEL BOARD AT ITS JULY19, 2016 PUBLIC MEETING:

- A. Lynn A. Michel v. Department of Transportation, State Personnel Board case number 2015G091(c).

The Board took no formal action on the Initial Decision issued by the Administrative Law Judge.

- B. Mathew Mark Stiles v. Department of Corrections, Denver Reception & Diagnostic Center, State Personnel Board case number 2016B034.

The Board took no formal action on the Initial Decision issued by the Administrative Law Judge.

VIII. ADMINISTRATIVE MATTERS & COMMENTS

A. ADMINISTRATIVE MATTERS

- Board Counsel De Vos updated the Board on the status of appeals to the Court of Appeals and advised that the Court issued mandates affirming the Board on three cases: Robinson, Chen and Sheridan. Mr. Peck asked if a copy of the Robinson opinion could be sent to the Board. Ms. De Vos will furnish copies.

B. OTHER BOARD BUSINESS

Director's Report:

Director Shea-Reid provided copies of the annual Whistleblower Report to the Governor plus a spreadsheet with an overview of data for each Whistleblower case from the past fiscal year. The Director also shared charts on the number of appeals filed with the Board in FY15-16. The total number of appeals filed dropped slightly from 411 in FY14-15 to 408 in FY15-16. Of those appeals, the number of discretionary hearings dropped in the same period of time, while selection cases increased. Mandatory hearings remained the same.

GENERAL COMMENTS FROM ATTORNEYS, EMPLOYEE ORGANIZATIONS,
PERSONNEL ADMINISTRATORS, AND THE PUBLIC

There were no comments.

IX. PROPOSED LEGISLATION AND/OR RULEMAKING

X. EXECUTIVE SESSION

XI. BOARD DELIBERATION

The Board meeting ended by consensus at 9:54 a.m.

DATED THIS 20th DAY OF SEPTEMBER, 2016.

SIGNATURES

Neil Peck, Board Chair

Vonda Hall, Vice Chair

Nora Kelly, Member

Michelle Palmquist, Member

Teresa Salerno, Member
